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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/723,146 | 11/25/2003 | Hue Scott Snowden | 19076A | 9253 |
| 23556 7590 07/16/2008 KIMBERLY-CLARK WORLDWIDE, INC. Catherine E. Wolf 401 NORTH LAKE STREET NEENAH, WI 54956 | | | | |
| EXAMINER | | | | |
| FLETCHER III, WILLIAM P | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 1792 | | | | |
| MAIL DATE | | DELIVERY MODE | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/723,146

Applicant(s)

SNOWDEN ET AL.

Examiner

William P. Fletcher III

Art Unit

1792

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 6-35 is/are pending in the application.
- 4a) Of the above claim(s) 28-32 and 35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-27, 33, and 34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. The amendment and remarks filed April 15, 2008, are noted with appreciation.
2. Claims 1-3 and 6-35 remain pending.

Election/Restrictions

3. Claims 28-32 and 35 remain withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on February 27, 2006.

Response to Arguments

4. Applicant's arguments filed April 15, 2008, have been fully considered but they are not persuasive. With respect to claim 1, as amended, as noted in connection with originally-filed claim 5, it would have been obvious to incorporate an organic phosphate ester anti-static agent. Applicant's assertion that anti-static agents, broadly, can negatively impact water repellency is noted. This is not persuasive because Baldwin already teaches the preparation of an alcohol-repellent coating including an anti-static monovalent salt. Since the reference is silent with respect to the effects of the monovalent salt on the water-repellency, it is the fair teaching of this reference that the presence of the monovalent salt anti-static, at least, does not interfere with the water-repellency of the substrate. From this it is clear that preparation of a coating having a desired alcohol- and water-repellency, and including an anti-static agent, is well-within the level of skill of one of ordinary skill in the art. Even though none of the references of

record suggest that addition of an organic phosphate ester to the composition of Baldwin in view of Coates would detrimentally affect the water repellent properties of the coating, it is the Examiner's position that the level of skill of one skilled in the art, as evidenced by Baldwin, is such that a desired alcohol- and water-repellency may be achieved for a given amount of anti-static material. Thus, it would have been readily obvious to one skilled in the art to compensate for any potential negative effects of the organic phosphate ester on the water-repellency of the coating by adjusting known compositional/procedural parameters.

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
7. **Claims 1-3, 6-8, and 11-27, are rejected under 35 U.S.C. 103(a) as being unpatentable over Baldwin (US 4,411,928 A) in view of Coates (US 4,028,887 A), both in view of *either* Gilbert (US 4,000,233 A) or Weipert (US 4,169,062 A).**

- A. Baldwin and Coats are applied herein again as set forth in the prior Office action.
- B. It would have been obvious to one skilled in the art to modify the process of Baldwin in view of Coates so as to further include an organic phosphate ester anti-static agent, as noted in the prior Office actions in connection with original claim 5, and as explained above.
8. **Claims 9, 10, 33, and 34, are rejected under 35 U.S.C. 103(a) as being unpatentable over Baldwin and Coates, both in view of *either* Gilbert or Weipert, as applied to claim 1 above (in the case of claims 9 and 10), and further in view of Potts (US 5,145,727 A).**

- A. Baldwin and Coates, and Gilbert or Weipert, are applied herein again as set forth above.
- B. It would have been obvious to one of ordinary skill in the art to modify the process of Baldwin and Coates, and Gilbert or Weipert, so as to utilize, as the non-woven substrate, and S/M/S laminate, as noted in the prior Office actions.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William P. Fletcher III whose telephone number is (571) 272-1419. The examiner can normally be reached on Sunday, 5:00 AM - 12:00 PM and Monday through Friday, 5:00 AM - 3:30 PM; on campus every Monday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy H. Meeks can be reached on (571) 272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1792

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/William Phillip Fletcher III/

Primary Examiner

July 14, 2008